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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,991	11/21/2003	Neil G. Stockman	33406/US	9112

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER

OGDEN JR, NECHOLUS

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,991	Applicant(s) STOCKMAN ET AL.	
	Examiner Necholus Ogden	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 28 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Claims 1 and 28 rejected under 35 U.S.C. 112; second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention are withdrawn in view of applicant's amendment.

1. Claims 1-6 rejected under 35 U.S.C. 102(b) as being anticipated by Franz (3,468,096) are withdrawn in view of applicants amendment.

2. Claims 1-6, 10 and 28 rejected under 35 U.S.C. 102 (b) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious over McClain (3,451,758) are withdrawn in view of applicant's amendments.

3. Claims 1-6 and 28 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Klein (3,175,331) are withdrawn in view of applicant's amendment.

4. Claims 1, 4, 7 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McDonell et al (5,282,900).

5. Claims 1-3 and 28 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hsu et al (6,171,007) are withdrawn in view of applicants amendment.

6. Claims 1 and 28 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Stein (4,050,825) are withdrawn in view of applicant's amendment.

7. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over McClain (3,451,758) is withdrawn in view of applicants amendment.

Response to Arguments

8. Applicant's arguments with respect to claims 1-10 and 28 have been considered but are moot in view of the new ground(s) of rejection.

9. Claims 1-3, 8-9 and 28 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DeVitis (2003/0220212).

10. DeVitis discloses a reinforced bar soap comprising a soap bar comprising a reinforcement member in the interior portion thereof and comprised of a mesh (0003) materials such as synthetic and natural fibers, sponges and wood. Also, said material may include polymers and other synthetic material (0007). See figure 1.

11. As this reference teaches all of the instantly required it is considered anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce the claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

12. Claims 1, 8-9 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dulin et al (5,221,506).

13. Dulin et al disclose a soap bar comprising a core insert material surrounded by soap and wherein said core material comprises a sponge or non-woven filamentary structure (claim 1 and figure 1).

14. As this reference teaches all of the instantly required it is considered anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce

the claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

15. Claims 1, 9 and 28 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Brown (2004/0110653).

16. Brown discloses an economical soap bar element having a core comprised of polystyrene polymer, or of water-soluble or biodegradable materials such as oxycellulose polymers or polyvinyl alcohol (0002; 0012; 0017). Brown further teaches that additional ingredients are well known as cores such as scrubbing pads (0006). See figure 1.

17. As this reference teaches all of the instantly required it is considered anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce the claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

18. Claims 1, 9-10, 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hopkins (4,277,358).

19. Hopkins discloses an environmentally degradable soap bar comprising fatty acid soap and other well known detergent materials (col. 3, lines 40-52), wherein said soap bar comprises an insert material such as polyvinyl alcohol, hydroxypropyl cellulose and polyethylene oxide (col. 2, lines 21-35). Hopkins further teaches that said soap material is molded around said insert member (claim 1 and figure 2).

20. As this reference teaches all of the instantly required it is considered anticipatory.

In the alternative that the above disclosure is insufficient to anticipate the above listed claims, it would have nonetheless been obvious to the skilled artisan to produce the claimed composition, as the reference teaches each of the claimed ingredients within the claimed proportions for the same utility.

21. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (2004/0110653) in view of McClain (3,451,758).

22. Brown is relied upon as set forth above. Specifically, Brown lacks the specific teaching of the scrubbing material as an insert in his soap bar.

McClain discloses a scouring pad comprising a nonwoven fibrous material such as synthetic fibers, metallic fibers, or various animal or vegetable fibers and mixtures thereof. McClain teaches that the metallic fibers may comprise steel wool and stainless steel fibers and the synthetic fibers include nylon (col. 2, lines 60-65). McClain further teach that said scouring pad has a washing compound such as soaps and other anionic synthetic detergents that are deposited within the scouring pads (col. 4, lines 15-25).

Note, see example 1.

23. It would have been obvious to one of ordinary skill in the art to the scouring pad of McClain as an insert to the bar element of Brown because Brown teaches that it is well known in the art to include scouring pads as cores in soap bars (0006) and McClain teaches that scouring pads are comprised of materials such as nylon and metallic fibers. Therefore, one of ordinary skill in the art would have been motivated to include the scouring pads of McClain in the soap bars of Brown because Brown teaches that said combination is readily known in the art for its intended purpose.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Necholus Ogden
Primary Examiner
Art Unit 1796

No
11-13-2007